UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA LAKE CHARLES DIVISION

JIN GUANG WANG

**DOCKET NO. 10-0324** 

VS.

JUDGE MINALDI

JANET NAPOLITANO, ET AL.

MAGISTRATE JUDGE KAY

REPORT AND RECOMMENDATION

Currently before the court is a motion to dismiss the petition for writ of habeas corpus

filed petitioner, Jin Guang Wang. Doc. 1. This matter has been referred to the undersigned

magistrate judge for review, report, and recommendation in accordance with 28 U.S.C. §

636(b)(1)(B).

Petitioner, Jin Guang Wang, filed a petition for writ of habeas corpus pursuant to 22

U.S.C. § 2241, asserting that his continued detention beyond six months is unconstitutional

under the Supreme Court's ruling in Zadvydas v. Davis, 121 S.Ct. 2491 (2001). Doc. 1.

In its motion to dismiss, respondent submits that petitioner, Jin Guang Wang, was

released pursuant to an Order of Supervision on July, 20, 2010. Doc. 12, att. 3. Since Petitioner

is no longer detained by the United States Immigration and Customs Enforcement, United States

Department of Homeland Security, there is no longer a justiciable controversy before the court.

See Alwan v. Ashcroft, 388 F.3d 507, 511 (5th Cir. 2004).

Accordingly,

IT IS RECOMMENDED that respondent's motion to dismiss be GRANTED.

IT IS FURTHER RECOMMENDED that the petition for writ of habeas corpus be

DISMISSED WITHOUT PREJUDICE.

Under the provisions of 28 U.S.C. § 636(b)(1)(c) and Fed .R. Civ. Proc. 72(b), the parties

have fourteen (14) business days from service of this Report and Recommendation to file

specific, written objections with the Clerk of Court. A party may respond to another party's

objections within fourteen (14) days after being served with a copy thereof.

Failure to file written objections to the proposed findings and/or the proposed legal

conclusions reflected in this Report and Recommendation within fourteen (14) days

following the date of its service, or within the time frame authorized by Fed. R. Civ. Proc.

6(b), shall bar an aggrieved party from attacking either the factual findings or the legal

conclusions accepted by the district court, except upon grounds of plain error.

THUS DONE AND SIGNED, in Chambers, at Lake Charles, Louisiana, this 25th day of

October, 2010.

KATHLEEN KAY UNITED STATES MAGISTRATE JUDGE

day of \_\_\_\_\_\_, 2010.

KATHLEEN KAY UNITED STATES MAGISTRATE JUDGE